

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE: * CASE NO. 17-03283-LTS
*
COMMONWEALTH OF PUERTO RICO, * CHAPTER 9
*
Debtor-In-Possession. *
*

MOTION REQUESTING TURNOVER OF MOTOR VEHICLE

TO THE HONORABLE COURT:

NOW COMES movant the undersigned attorney on his own behalf
and respectfully states as follows:

1. Movant is the registrar owner in Puerto Rico of a 2000
Oldsmobile Intrigue Gx Oro ("Motor Vehicle"), VIN:
1G3WH52H0YF122319, Registry: 5682868, License Plate: DRA535, Title:
2738039 and Price: \$26501.94.

2. The Motor Vehicle is collateral to a car loan with First
Bank, 3398275.

3. The Motor Vehicle was a gift to Movant's son who was in
possession of the same.

4. Sometime in 2014-2015, prior to the filing of the above
captioned case, the Police Department of Debtor seized the Motor
Vehicle from Movant's son.

5. Movant located the Motor Vehicle in the Police Facility
next to the Roberto Clemente Park in Country Club but was not given

1 any information about its fate.

2 6. Upon information and belief the Motor Vehicle was never
3 used as evidence in any criminal trial nor was a confiscation
4 complaint ever filed against Movant pursuant to the Puerto Rico
5 Confiscation Act, 34 L.P.R.A. §1724, et. seq.

7 7. Movant gave his conditional sales creditor, First Bank,
8 notice of the location of the Motor Vehicle but instead of
9 repossessing the same they decided to illegally file a lost vehicle
10 lien with DTOP.

12 8. For all of the above stated reasons upon the filing of the
13 above captioned case the Motor Vehicle was not part of property of
14 the estate and nothing has been done since filing by Debtor
15 pursuant to 11 U.S.C. §541(a)(5) to make it part of the estate.

17 **LOCAL RULE 9013-1(c)(1) NOTICE**

18 Within fourteen (14) days after service as evidenced by the
19 certification, and an additional three (3) days pursuant to
20 Fed. R. Bank. P. 9006(f) if you were served by mail, any
21 party against whom this paper has been served, or any other
22 party to the action who objects to the relief sought
23 herein, shall serve and file an objection or other
24 appropriate response to this paper with the clerk's office
25 of the United States Bankruptcy Court for the District of
26 Puerto Rico. If no objection or other response is filed
27 within the time allowed herein, the paper will be deemed
28 unopposed and may be granted unless: (i) the requested

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1 relief is forbidden by law; (ii) the requested relief is
2 against public policy; or (iii) in the opinion of the
3 court, the interest of justice requires otherwise.
4

5 WHEREFORE, movant the undersigned attorney on his own behalf
6 respectfully requests that for the above stated reasons this
7 Honorable Court conclude that as a matter of law the Motor Vehicle
8 is not part of Debtor's estate and order Debtor to return Movant
9 the Motor Vehicle or it's cash equivalent.
10

11 Respectfully submitted, in Carolina, Puerto Rico this 7th day
12 of December, 2020.
13

14 **CERTIFICATE OF SERVICE, LOCAL RULE 5005-4(h)(1), P.R. LBR**

15 Movant hereby certifies that on this day, Movant electronically
16 filed the foregoing with the Clerk of the Court uploading the same
17 using the CM/ECF System which will send notification of such filing
18 to the all CM/ECF participants.
19

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